

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CHRISTOPHER LOYD IVEY,

Plaintiff,

vs.

Civil No. 04-4102 (RHK/SRN)

ORDER

WHITYNEY M. COLYER, et al.,

Defendants.

The above-entitled matter came before the Court on Defendant Sean M. McNichols' Motion to Vacate the Clerk's Entry of Default, entered in this matter on August 31, 2005, and to dismiss the lawsuit in its entirety. Based on the record herein,

IT IS HEREBY ORDERED:

1. Defendant's Motion to Vacate the Clerk's Entry of Default (Doc. No. 39) is **GRANTED**;

2. Defendant's Motion to Dismiss (Doc. No. 39) is **GRANTED**, and all claims against Defendant Sean M. McNichols are **DISMISSED WITHOUT PREJUDICE** for lack of personal jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 6, 2005

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge